

STATE OF MISSOURI )  
 ) SS  
CITY OF ST. LOUIS )

IN THE CIRCUIT COURT OF ST. LOUIS CITY  
STATE OF MISSOURI

STATE OF MISSOURI, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
NATHANIEL HENDREN, )  
 )  
Defendant. )

Cause No.: 1922-CR00289-01

Division 7

**FILED**  
FEB 28 2020  
22<sup>ND</sup> JUDICIAL CIRCUIT  
BY CIRCUIT CLERK'S OFFICE  
DEPUTY

**ENTERED**  
FEB 28 2020  
CS

**STIPULATION AND BINDING PLEA AGREEMENT**

COME NOW the parties, by and through their undersigned counsel, and pursuant to Missouri Supreme Court Rule 24.02(d)(1)(C), enter into the following binding plea agreement and agree that the following facts are relevant for the purpose of plea and sentencing and comprise the total agreements of the parties:

**1. THE PARTIES**

The parties to this stipulation and its agreements are Defendant Nathaniel Hendren, represented by his attorney Talmage Newton, and the State of Missouri, represented by Special Assistant Circuit Attorney Rachel Smith..

**2. THE PLEA AGREEMENT**

In exchange for the Defendant's voluntary plea of guilty to Count 1: Involuntary Manslaughter 1<sup>st</sup> Degree, and Count 2: Armed Criminal Action, the parties have agreed that the appropriate disposition is 7-years on Count 1, and 3-years on Count 2, to be served in Missouri Department of Corrections.

Both counts are to be served concurrently to one another. The State and Defendant agree this is a binding plea agreement upon acceptance of the Court. In the event the Court declines to accept this plea agreement and jointly recommended sentence, Defendant shall be allowed to withdraw his plea of guilty.

By this binding agreement the parties acknowledge that the sentencing agreement and the stipulations set forth herein led to the guilty plea in this case, and that each party has a right to rely upon and hold the other party to the agreements and stipulations herein at the time of sentencing. The parties further agree that neither party shall request a different disposition of this matter unless that disposition is addressed in this document or the request is made with the consent of both parties.

The State of Missouri agrees that no further prosecution will be brought in this jurisdiction relative to Defendant's violations of Missouri law, known to the State of Missouri at this time, arising out of or related to the events set forth in the indictment or discovery.

The State confirms that pursuant to §595.209 R.S.Mo., that the appropriate notifications have been made to the victim's family and other appropriate parties.

### **3. FACTS**

The parties stipulate that at any trial of this matter the State of Missouri could prove beyond a reasonable doubt the following facts:

On January 24, 2019, the Defendant and Kaitlyn Alix were in Hendren's apartment at 750 Dover Place, in the City of St. Louis, State of Missouri. The Defendant and Ms. Alix both had their personal firearms out and were "dry-firing" those handguns. The Defendant, having previously emptied his revolver of cartridges, then placed one cartridge back in the revolver and began spinning the cylinder multiple times, each time checking to see where the cartridge landed. After

confirming that the cartridge was not in the “live” position, the Defendant pointed the revolver down the hallway and pulled the trigger. The gun did not discharge. Ms. Alix then took the revolver from the Defendant, pointed the revolver at the Defendant, and pulled the trigger. The gun did not discharge. The Defendant took the revolver, and believing that the remaining cartridge was not in the active cylinder position, pointed the gun at Ms. Alix and pulled the trigger. The gun discharged firing a single bullet, which struck Ms. Alix in the chest. This single gunshot wound resulted in the death of Ms. Alix. The actions of the Defendant in this regard caused the death of Kaitlyn Alix and were legally reckless.

The Defendant and the State of Missouri agree that the facts set forth above are true and accurate.

#### **4. STATUTORY PENALTIES**

The Defendant fully understands that the legally authorized range of punishment for each count is as follows:

COUNT 1: Involuntary Manslaughter in the First Degree (Class-C felony) three (3) years to 10 years in the Missouri Department of Corrections; and

COUNT 2: Armed Criminal Action (Unclassified felony) a minimum of three (3) years to an unspecified term of years in the Missouri Department of Corrections.

The Defendant understands that pursuant to statute, upon conviction of Count 2 (Armed Criminal Action), he must serve a minimum of three (3) calendar years in the Missouri Department of Corrections before he is eligible for parole or early release.

## **5. THE DEFENDANT'S RIGHTS**

The Defendant has been fully advised of his constitutional rights by his attorney, and fully understands that: he has an absolute right to plead not guilty to the charges; that he has the right to be tried by a jury; that at such trial he would be presumed innocent and that he has the right to require the State of Missouri to prove the entire case against him beyond a reasonable doubt; that he has the right to the assistance of counsel and that counsel will be appointed for him if he cannot afford counsel himself; that he has the right to confront and cross-examine witnesses against him and present witnesses on his behalf; that he has the right not to testify or be compelled to incriminate himself; the defendant fully understands that, by this guilty plea, he expressly waives all the rights set forth in this paragraph. Defendant's attorney has explained these rights to him and the consequences of his waiver of those rights. Defendant fully understands that because of his guilty plea there will be no trial. The defendant states that he is fully satisfied with the representation that he has received from his counsel. He has discussed the State's case and all possible defenses and defense witnesses with his counsel. His counsel has completely and satisfactorily investigated his case and has complied with all requests made by the defendant.

## **6. NO PROMISE OR INDUCEMENT OUTSIDE THIS DOCUMENT, NO THREATS OR COERCION**

This agreement constitutes the entire agreement between the Defendant and the State of Missouri, and no other promises or inducements have been made, directly or indirectly concerning any plea to be entered in this case, or the stipulations or agreements found herein. In addition, the Defendant states that no person has, directly or indirectly, threatened or coerced him to do or refrain from doing anything in connection with any aspect of this case, including

entering a plea of guilty.

**7. CONSEQUENCES OF FURTHER CRIMINAL CONDUCT BY DEFENDANT OR THE RECEIVING OF ADDITIONAL INFORMATION REGARDING THE DEFENDANT'S BACKGROUND.**

The Defendant fully understands that, should he engage in any criminal activity between the time he signs this agreement and the time of plea and/or sentencing, or the State receives additional information regarding the Defendant's criminal background that was previously unknown to the State, the State shall be released from any obligation created by this agreement and from any limits on the State's power to prosecute the defendant.

2/28/20

Date

Nathaniel B. H.

Nathaniel Hendren  
Defendant

2-28-2020

Date

Talmage Newton

Talmage Newton  
Defense Counsel

2-28-2020

Date

Rachel A. Smith

Rachel A. Smith  
Sp. Assistant Circuit Attorney

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